



PATENT
ATTORNEY DOCKET NO. 07891/003006

Certificate of Mailing: Date of Deposit: November 22, 2005

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Antonio J. Freitas

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Antonio J. Freitas
Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|-------------|---|---------------|-----------------|
| Applicant: | Robert G. Korneluk et al. | Art Unit: | 1636 |
| Serial No.: | 10/600,272 | Examiner: | Kaushal, Sumesh |
| Filed: | June 20, 2003 | Customer No.: | 21559 |
| Title: | MAMMALIAN IAP GENE FAMILY, PRIMERS, PROBES AND DETECTION METHODS | | |

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REPLY TO NOTICE OF ALLOWANCE

In reply to the Notice of Allowance that was mailed in connection with the above-captioned application on August 24, 2005, and having confirmation number 3330, enclosed are:

A completed fee transmittal form PTOL-85; and

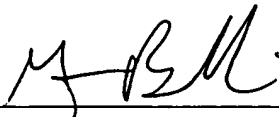
A check for \$1,030.00 to cover the issue fee required by 37 C.F.R. § 1.18(a) of \$700.00, the publication fee of \$300.00, and the patent copy fee required by 37 C.F.R. § 1.19(a)(1)(i) of \$30.00 for ten patent copies.

If there are any other charges or any credits, please apply them to Deposit Account No.

03-2095.


Respectfully submitted,

Date: 11/22/05



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Reg. No. 39,109

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REPLY TO NOTICE OF ALLOWABILITY

In reply to the Notice of Allowability that was mailed in connection with the above-captioned application on August 24, 2005, and with reference to the Notice of Allowance that was mailed on August 24, 2005, having confirmation number 3330, Applicant submits the following reply to the Examiner's Statement of Reasons for Allowance.

As indicated on the summary of the interview of June 16, 2005, the undersigned and the Examiner discussed limiting the claims to SEQ ID Nos: 24 and 25, and deleting reference to SEQ ID Nos: 26, 27, 40, and 42 (as proposed by Applicant in the proposed amended claims attached to the interview summary). During this interview, the Examiner raised the possibility of replacing the word "sequence" in claim 1 with --BIR-3 domain--. The undersigned expressed

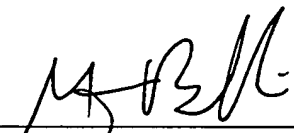
concern that this amendment might be construed to limit the claim to naturally occurring BIR-3 domains, when the intention of the claim is to encompass all polypeptides that (i) have 95% sequence identity to SEQ ID NO: 24 or SEQ ID NO: 25, and (ii) are capable of inhibiting apoptosis of a mammalian cell when the polypeptide is expressed in the cell. The Examiner agreed that the undersigned's construction of the claim scope was correct, and stated that he would make it clear in the Notice of Allowability that the term "BIR-3 domain" was not limited to naturally occurring domains, and it was on this basis that Applicant agreed to the Examiner's proposed amendment.

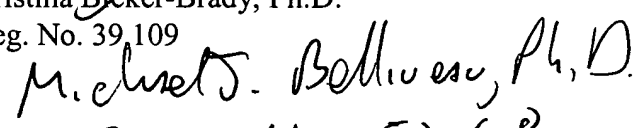
The undersigned has reviewed the Notice of Allowability and finds no mention of this fact. Accordingly, for the record, Applicant reiterates that claim 1 is intended to encompass all polypeptides that (i) have 95% sequence identity to SEQ ID NO: 24 or SEQ ID NO: 25, and (ii) are capable of inhibiting apoptosis of a mammalian cell when the polypeptide is expressed in the cell.

If there are any charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: 11/22/05



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